

**STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.**

0 ☐ Valuation of Security 0 ☐ Assumption of Executory Contract or Unexpired Lease 0 ☐ Lien Avoidance

Last revised: December 1, 2017

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

In Re:  
YOLANDA MERCED

Case No.: 18-21780  
Judge: Gambardella

Debtor(s)

**Chapter 13 Plan and Motions**

☐ Original ☒ Modified/Notice Required Date: August 21, 2018  
☐ Motions Included ☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER  
CHAPTER 13 OF THE BANKRUPTCY CODE

**YOUR RIGHTS MAY BE AFFECTED**

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the *Notice*. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

THIS PLAN:

☒ DOES ☐ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney: GR Initial Debtor: YM Initial Co-Debtor: \_\_\_\_\_

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ 150 per month to the Chapter 13 Trustee, starting on July 1, 2018 for approximately 36 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

☒ Future earnings

☒ Other sources of funding (describe source, amount and date when funds are available):

Rental income from daughter who resides with Debtor pursuant to terms of written lease agreement.

c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description:

Proposed date for completion: \_\_\_\_\_

☐ Refinance of real property:

Description:

Proposed date for completion: \_\_\_\_\_

☒ Loan modification with respect to mortgage encumbering property:

Description: 41 Sisco Place, Clifton, New Jersey

Proposed date for completion: September 11, 2018

d. ☒ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☒ Other information that may be important relating to the payment and length of plan:

Debtor has non-dischargeable student loan debt that she will pay outside the Plan.

Part 2: Adequate Protection ☐ NONE

a. Adequate protection payments will be made in the amount of \$ \_\_\_\_\_ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to \_\_\_\_\_ (creditor).

b. Adequate protection payments will be made in the amount of \$ 1893 to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: Bank of America (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
CHAPTER 13 STANDING TRUSTEE	ADMINISTRATIVE	AS ALLOWED BY STATUTE
ATTORNEY FEE BALANCE	ADMINISTRATIVE	BALANCE DUE: \$ TBD
DOMESTIC SUPPORT OBLIGATION		

b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:  
Check one:

☒ None

☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
	Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount.		



**Part 4: Secured Claims**

**a. Curing Default and Maintaining Payments on Principal Residence:** ☐ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Bank of America	Mortgage	\$82,648	4%	None	\$1893
Passaic Valley Water Commission	Water Bill	\$544.94	12%	\$544.94	\$50 (estimated)
City of Clifton	Sewer Bill	\$232.28	12%	\$232.28	\$40 (estimated)

**b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears:** ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

**c. Secured claims excluded from 11 U.S.C. 506:** ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation

**d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☒ NONE**

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

**e. Surrender ☒ NONE**

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

**f. Secured Claims Unaffected by the Plan ☐ NONE**

The following secured claims are unaffected by the Plan:

Passaic Valley Water Commission  
City of Clifton



**g. Secured Claims to be Paid in Full Through the Plan:** ☐ NONE

Creditor	Collateral	Total Amount to be Paid Through the Plan
Passaic Valley Water Commission	Lien on 41 Sisco Place, Clifton, NJ	\$544.94
City of Clifton	Lien on 41 Sisco Place, Clifton, NJ	\$232.28

**Part 5: Unsecured Claims** ☐ NONE

**a. Not separately classified** allowed non-priority unsecured claims shall be paid:

☐ Not less than \$ \_\_\_\_\_ to be distributed *pro rata*

☐ Not less than \_\_\_\_\_ percent

☒ *Pro Rata* distribution from any remaining funds

**b. Separately classified unsecured** claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
U.S. Dept. of Education	Non-dischargeable student loan obligations	Paid outside plan	\$123,000

**Part 6: Executory Contracts and Unexpired Leases** ☒ NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment

Part 7: Motions ☒ NONE

**NOTE:** All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

**a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f).** ☒ NONE

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

**b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured.** ☐ NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified

**c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☒ NONE**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

**Part 8: Other Plan Provisions**

**a. Vesting of Property of the Estate**

- ☒ Upon confirmation  
☐ Upon discharge

**b. Payment Notices**

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

**c. Order of Distribution**

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee commissions
- 2) Secured Claims
- 3) Administrative & professional fees
- 4) Unsecured claims

**d. Post-Petition Claims**

The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.



**Part 9: Modification** ☐ NONE

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: June 11, 2018

Explain below **why** the plan is being modified:

To provide for distribution to secured creditors holding liens for unpaid water and sewer charges.

Explain below **how** the plan is being modified:

Part 4 of the Plan is being modified to provide for payment in full of unpaid liens for water and sewer charges through the plan.

Are Schedules I and J being filed simultaneously with this Modified Plan?



Yes



No

**Part 10: Non-Standard Provision(s): Signatures Required**

Non-Standard Provisions Requiring Separate Signatures:

☐ NONE

☒ Explain here:

Debtor will pursue loss mitigation with mortgage holder Bank of America. If approved, Debtor will cure mortgage arrears through loan modification with the lender.

Any non-standard provisions placed elsewhere in this plan are void.

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Certification.

I certify under penalty of perjury that the plan contains no non-standard provisions other than those set forth in this final paragraph.

Date: August 21, 2018

/s/ Glenn R. Reiser

Attorney for the Debtor

Date: August 21, 2018

/s/ Yolanda Merced

Debtor



Date: \_\_\_\_\_

\_\_\_\_\_  
Joint Debtor

**Signatures**

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

Date: August 21 2018

/s/ Glenn R. Reiser

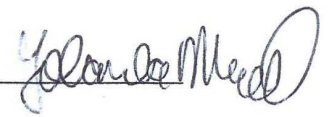
Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: August 21, 2018

/s/ Yolanda Merced

Debtor



Date: \_\_\_\_\_

\_\_\_\_\_  
Joint Debtor

## Certificate of Notice Page 11 of 12

United States Bankruptcy Court  
District of New JerseyIn re:  
YOLANDA MERCED  
DebtorCase No. 18-21780-RG  
Chapter 13

## CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin  
Form ID: pdf901Page 1 of 2  
Total Noticed: 30

Date Rcvd: Aug 28, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 30, 2018.

db  
517584049 +YOLANDA MERCED, 41 Sisco Place, Clifton, NJ 07011-4149  
517584051 +Amanda Ortiz, 41 Sisco Place, Clifton, NJ 07011-4149  
517675641 +Bank of America, N.A., 100 N. Tryon Street, Charlotte, NC 28255-0001  
517584050 Bank of America, N.A., PO Box 31785, Tampa, FL 33631-3785  
+Bank of America, N.A., Attn: KML Law Group, P.C., 216 Haddon Avenue, Suite 406,  
Collingswood, NJ 08108-2812  
517584055 +Capital One Bank, Attn: Alliance One Receivables Mgmt Inc, 4850 Street Road, Suite 300,  
Feasterville Trevose, PA 19053-6643  
517584056 +City of Clifton, 900 Clifton Avenue, Clifton, NJ 07013-2708  
517584057 Clarity Solutions Center, LLC, 100 W Town and Country Rd #1250, Orange, CA 92868  
517584058 Family Medical Care of Clifton, Attn: Pacific Global Billing, 751 Teaneck Road,  
Teaneck, NJ 07666-4242  
517584059 +Gastroenterology Associates of NJ, PO Box 51074, Newark, NJ 07101-5174  
517658610 +High Focus Centers, c/o Fein Such Kahn & Shepard PC, 7 Century Dr., Suite 201,  
Parsippany, NJ 07054-4609  
517584060 +New Jersey Imaging Network LLC, 27695 Network Place, Bridgeport, CT 06673-0001  
517584061 +Optimum, Attn: CBHV, PO Box 831, 155 North Plank Road, Newburgh, NY 12550-1747  
517584062 +Passaic County Sheriff, 77 Hamilton Street, Paterson, NJ 07505-2070  
517584063 Passaic Valley Water Commission, PO Box 11393, Newark, NJ 07101-4393  
517584065 Rushmore Service Center, PO Box 5508, Sioux Falls, SD 57117-5508  
517584066 U.S. Department of Education, PO Box 530260, Atlanta, GA 30353-0260  
517584067 +U.S. Department of Education, Account Control Tech, 5531 Business Park South, Suite 100,  
Bakersfield, CA 93309-1656

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
smg E-mail/Text: usanj.njbankr@usdoj.gov Aug 28 2018 23:26:28 U.S. Attorney, 970 Broad St.,  
Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Aug 28 2018 23:26:25 United States Trustee,  
Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,  
Newark, NJ 07102-5235  
517584048 E-mail/Text: roy.buchholz@allianceoneinc.com Aug 28 2018 23:25:31  
Alliance One Receivables Mgmt Inc, PO Box 3111, Southeastern, PA 19398-3111  
517584054 +E-mail/Text: payments@brsi.net Aug 28 2018 23:27:10 Business Revenue Systems, PO Box 8986,  
Fort Wayne, IN 46898-8986  
517584053 +E-mail/Text: payments@brsi.net Aug 28 2018 23:27:10 Business Revenue Systems,  
2419 Spy Run Avenue, Fort Wayne, IN 46805-3262  
517595755 +E-mail/PDF: acg.acg.ebn@americaninfosource.com Aug 28 2018 23:32:05  
Capital One Auto Finance, a division of Capital On, AIS Portfolio Services, LP,  
4515 N Santa Fe Ave. Dept. APS, Oklahoma City, OK 73118-7901  
517623343 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Aug 28 2018 23:32:04  
Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083  
517588493 +E-mail/Text: bankruptcy@cavps.com Aug 28 2018 23:26:43 Cavalry SPV I, LLC,  
500 Summit Lake Drive, Ste 400, Valhalla, NY 10595-2321  
517669855 E-mail/Text: bkr@cardworks.com Aug 28 2018 23:25:25 MERRICK BANK,  
Resurgent Capital Services, PO Box 10368, Greenville, SC 29603-0368  
517584064 E-mail/Text: bankruptcy@psseg.com Aug 28 2018 23:25:30 PSE&G, Credit & Collections Center,  
PO Box 490, Cranford, NJ 07016-0490  
517693612 +E-mail/Text: JCAP\_BNC\_Notices@jcap.com Aug 28 2018 23:26:39 Premier Bankcard, LLC,  
Jefferson Capital Systems LLC Assignee, Po Box 7999, Saint Cloud Mn 56302-7999  
517586179 +E-mail/PDF: gecsed@recoverycorp.com Aug 28 2018 23:32:01 Synchrony Bank,  
c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021  
TOTAL: 12

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

517588494\* +Cavalry SPV I, LLC, 500 Summit Lake Drive, Ste 400, Valhalla, NY 10595-2321  
517584052 ##+Bank of America, NA, Bankruptcy Department, PO Box 26012, NC4-105-02-99,  
Greensboro, NC 27420-6012

TOTALS: 0, \* 1, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.



District/off: 0312-2

User: admin  
Form ID: pdf901

Page 2 of 2  
Total Noticed: 30

Date Rcvd: Aug 28, 2018

\*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\*

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Aug 30, 2018

Signature: /s/Joseph Speetjens

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### CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 27, 2018 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor BANK OF AMERICA, N.A. dcarlon@kmlawgroup.com,  
bkgroup@kmlawgroup.com  
Glenn R Reiser on behalf of Debtor YOLANDA MERCED greiser@new-jerseylawyers.com,  
r.gr75895@notify.bestcase.com  
Kevin Gordon McDonald on behalf of Creditor BANK OF AMERICA, N.A. kmcdonald@kmlawgroup.com,  
bkgroup@kmlawgroup.com  
Marie-Ann Greenberg magecf@magtrustee.com  
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 5